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In re Application of
Josef otto RETTENMAIRER
Application No.: 09/380,731
PCT No.: PCT/DE98/00630
Int. Filing Date: 04 March 1998
Priority Date: 13 March 1997
Attorney's Docket No. 017309/0173
For: ANCILLARY FILTERING AGENT

DECISION ON

PETITION UNDER

37 CFR 1.181(a)

This is in response to the "PETITION UNDER 37 CFR 1.181(a)" filed on 13 July 2000.

BACKGROUND

On 4 March 1998, this international application was filed, claiming an earliest priority date of 13 March 1997.

On 01 October 1998, a Demand electing the United States was filed in this international application. Accordingly, the deadline for paying the basic national fee in the United States under 35 U.S.C. 371 and 37 CFR 1.495 was 13 September 1999. This international application became abandoned with respect to the United States at midnight on 13 September 1999 for failure to pay the required basic national fee.

On 13 September 1999, applicant filed in the United States Patent and Trademark Office (PTO) a transmittal letter for entry into the national stage in the U.S. under 35 U.S.C. 371, which was accompanied by, *inter alia*, the U.S. basic national fee, the copy of the international application. No executed declaration or oath was submitted at that time.

On 09 November 1999, the U.S. Patent & Trademark Office issued a Notification of Acceptance (PCT/DO/EO/903).

Petitioner, while reviewing the file realized that the application was submitted with an unexecuted Declaration and Power of Attorney and that the office instead of issuing a Notification of Missing Requirements (PCT/DO/EO/903) issued a Notification of Acceptance (PCT/DO/EO/903).

On 13 July 2000, petitioner filed the instant petition accompanied, inter alia, by an executed Declaration and power of Attorney.

DISCUSSION

A review of the file reveals that on 13 September 1999, the above captioned-application had not satisfied the requirement under 35 U.S.C. 371(c)(4) because no executed oath or declaration was submitted at such time. Accordingly, the Notification of Acceptance (PCT/DO/EO/903) was erroneously issued on 09 November 1999.

The executed declaration submitted 13 July 2000 is proper and the application has now satisfied the requirements under 35 U.S.C. 371(c).

The Notification of Acceptance (PCT/DO/EO/903) mailed on 09 November 1999 is **VACATED** with the issuance of this decision.

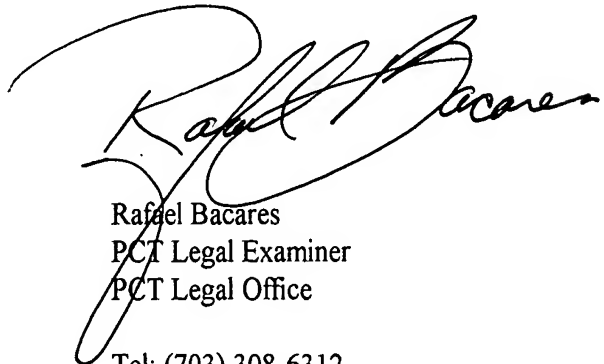
DECISION

The petition under 37 CFR 1.181(a) is **GRANTED**.

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for continued processing, including the preparation and mailing of a new Notification of Acceptance (Form PCT/DO/EO/903) and a corrected filing receipt. The 35 U.S.C. 102(e) and 35 U.S.C. 371 date of this application is **13 July 2000**.



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